## REMARKS

In the Office Action, the Examiner rejected claims 72 – 121. With this Amendment, Applicant has amended claims 72 and 105. The application still includes claims 72 – 121.

## DOUBLE PATENTING

In the Office Action, the Examiner provisionally rejected claims 72 – 105, 107 – 113, 115 – 119, and 121 on the ground of nonstatutory obviousness-type double patenting of copending application 09/768,645 (the '645 application). It is believed that the '645 application is abandoned. Therefore, it is respectfully requested that the rejection of claims 72 – 105, 107 – 113, 115 – 119, and 121 be withdrawn and that claims 72 – 105, 107 – 113, 115 – 119, and 121 be held allowable.

## REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

### Claims 72 – 87, 89 – 97, 99, and 102 – 121

In the Office Action, the Examiner rejected claims 72 – 87, 89 – 97, 99, and 102 - 121 under 35 U.S.C. § 103(a) as being unpatentable over the Mackey et al patent.

The present application claims priority of U.S. Patent application, Serial No. 09/758,645, filed January 10, 2001. The '645 patent application claims priority of U.S. Patent application, Serial No. 09/327,828, filed June 8, 1999, and U.S. Patent application, Serial No. 09/088,267, filed on June 1, 1998. The Mackey et al patent was filed on December 1, 1998 which is six months subsequent to the filing date of the '267 patent application. Therefore, Applicant submits that the Mackey et al patent, with a later filing date, should not be used as a prior art reference against the present application.

In any event, the Mackey et al patent neither teaches nor suggests the remote information downloading device as claimed in the present application. The Examiner states "Mackey et al. discloses a remote information downloading device [25] for wireless access to and downloading of vehicle information from a remote on board vehicle incident recording system [14], and a transceiver 26 adapted to transmit the accessed data from the vehicle continuous incident recording system [14] to the device [25]...." Applicant submits that the mobile vehicle accident

data system of the Mackey et al patent is merely an on board vehicle incident recording system and with a device remotely accessing it. The accident data system of the Mackey et al patent is an accident recorder only recording accidents for a short time prior to a triggered event, as such. In short, the Mackey et al patent is not a separate download device, accessed by authorized parties only, via access codes, and thus limiting the access to authorized parties.

To the contrary, the downloading device of the present invention is a two-way device usable either on-site or remotely and contacts the onboard surveillance system (not only accident recorder) either remotely or on site and only after the authorized user has input an access code which is provided to him and authenticated by a third party. The downloading device of the present invention can, in fact, "call" the device remotely or on site to access the recorded or live information which is in the unit or is currently being recorded or viewed. The Mackey et al patent sends a signal via a transceiver to a remote database one-way only and only records data "[c]amera images during a time interval and covering the current and recent past are stored on-board the vehicle, preferably digitally recorded in a compressed format". See, the Mackey patent application, Abstract, line 3.

In addition, the downloading device of the present application can "call" the surveillance system at any time to give the fleet owner, security personnel, or vehicle owner direct and immediate access to their vehicle and enables them to view the same images being captured by the cameras in the vehicle either in real time or after they have been recorded. The Mackey et al patent specifically teaches transmitting data one-way out of the vehicle and only that data involving an accident which has been pre-recorded. The downloading device of the present invention is capable of alarming, real-time live data and video transmission, on site or remote download of the data, and video at will.

Furthermore, one primary and critical difference between the Mackey et al patent and the downloading device of the present application is that the present invention is a piece of hardware with specialized software in the middle or in between a surveillance system and a database where data is permanently stored or archived for long term use. The downloading device of the present invention allows a police officer, fleet manager, adjuster, or vehicle owner to access remotely or on-site a vehicle surveillance system for a live view of what is occurring or to download

information previously recorded at any time for extended periods, say one month, not just information which was recorded regarding an accident and in the recent past, as described in the Mackey et al patent. For instance, a fleet manager from DHL, FedEx, or UPS who is notified by an alarm emitting from the downloading device of the present invention could not "call" his vehicle and view the vehicle's cameras live using Mackey's invention. This is not possible because the Mackey et al patent does not supply the hardware or software to do so.

Regarding claim 74 of the Mackey et al patent, the downloading device of the present invention has a hard drive and is not limited to only a hard drive. In fact, the downloading device of the present invention can be a mainframe computer around the world, or a laptop computer-type device with a hard drive and flash memory or solid state-type of memory or the downloading device can be in fact a flash memory device such as a USB flash drive with specialized software. The present invention, although it can contain a hard drive, is meant to be memory ubiquitous or memory-ambivalent so that the invention could in fact be configured out of any number of different types of storage and memory and take the physical shape of a large computer or be as small as a flash memory drive used in a cell phone.

Regarding claims 91 and 92, Applicant submits, contrary to the Examiner's assertions, a transceiver is not required to have a decryption key to receive information. The downloading device of the present invention only requires access codes prior to any encryption/decryption keys being seen, allowed, used, or issued to be able to view the data because without it, the system is not secure. The present invention also uses encryption and decryption but this is in addition to the coded access.

Regarding claims 94, 97, and 99, Applicant submits, contrary to the Examiner's assertions, that many people set up wireless transceivers and transmitters without a firewall thereby leaving them open to hackers, for example. An access code or authorization code is not required for a transceiver to transmit data or to work. It a complex security measure put in place to limit access and allow only authorized users, not just anyone, to view the data and video. The Mackey et al patent fails to teach or describe the access code, as claimed.

Regarding claim 104, Applicant submits that the Mackey et al patent fails to teach or suggest access codes to interface with the system, where in fact the Mackey et al system

automatically transmits data out of the recorder when there is an accident. The Mackey et al patent's system does not have authorized access, access codes, or third party authorization of any access codes. In fact, just because encryption is described in the Mackey et al patent, this in no way secures the generated data against unauthorized users, needing access codes to gain access to the device itself, let alone the encrypted data which can and has been easily hacked, as in the music CD industry. In addition, it is not possible to contact the device of the Mackey et al patent from anywhere other than the vehicle by inputting access codes and gaining authorized use to access the system and download data remotely, as claimed in the present application. The Mackey et al patent is an accident recorder which can, via a basic transmitter, send signals of an accident and video one-way out to a remote database.

Therefore, since the Mackey et al patent neither teaches nor suggests the downloading device as claimed in the present application, it is respectfully requested that the rejection of claims 72 – 87, 89 – 97, 99, and 102 – 121 under 35 U.S.C. § 103(a) be withdrawn and that claims 72 – 87, 89 – 97, 99, and 102 – 121 be held allowable.

Claims 88, 98, 100, and 101

In the Office Action, the Examiner rejected claims 88, 98, 100, and 101 under 35 U.S.C. § 103(a) as being unpatentable over the Mackey et al patent in view of the Gehlot patent.

Once again, the present application claims priority of U.S. Patent application, Serial No. 09/758,645, filed January 10, 2001. The '645 patent application claims priority of U.S. Patent application, Serial No. 09/327,828, filed June 8, 1999, and U.S. Patent application, Serial No. 09/088,267, filed on June 1, 1998. The Gehlot patent was filed on October 22, 1998 which is nearly five months subsequent to the filing date of the '267 patent application. Therefore, Applicant submits that the Gehlot patent, with a later filing date, should not be used as a prior art reference against the present application.

The downloading device of the present invention does much more than described in the cited references. The downloading device can actually trigger a GPS related alarm informing that a vehicle is off course, for example. Authorized personnel can then call the recorder and see

what the last known GPS coordinates were dispatching police to the location. Neither of the cited references can accomplish this.

In addition, a pre-determined event of the present application can be a regularly scheduled data dump (or communication) from the recording device to a download device or even the database repository. The download device of the present application is capable of being programmed with multiple and many "predetermined events", as described by the Examiner, and can in fact be set to do regularly scheduled "calls" to the recorder, or data gathering tasks such as GPS, time, date, etc., and can randomly gather such information which is not a "pre-determined event" but a random act for security purposes. There are a myriad of ways the downloading device of the present invention can interact with a recorder and in fact a good way to look at the device is an "interactive download device" which can not only download data but upload data, software updates, instructions, corrections, anti-virus software, and a multitude of other features simply not found in either of the cited references.

Furthermore, claims 88, 98, 100, and 101 depend from claim 72. Applicant believes that claim 72 is allowable. It follows that claims 88, 98, 100, and 101 are also allowable.

Therefore, since neither the Mackey et al patent nor the Gehlot patent either teach or suggest the downloading device as claimed in the present application, it is respectfully requested that the rejection of claims 88, 98, 100, and 101 under 35 U.S.C. § 103(a) be withdrawn and that claims 88, 98, 100, and 101 be held allowable.

## CONCLUSION

It is believed that the present application is in condition for allowance. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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